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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MILTON RIVAS-ZUNIGA,

Defendant.

No. CR 3:09-70250 (EMC)

**PROPOSED ORDER EXCLUDING  
TIME FROM MARCH 18, 2009 TO  
MARCH 26, 2009**

The parties appeared before the Honorable Edward M. Chen on March 18, 2009. With the agreement of counsel for both parties, the Court found and held as follows:

1. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from March 18, 2009 to March 26, 2009. Failure to grant the requested continuance would unreasonably deny the defendant continuity of counsel and deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence and the need for counsel to review the discovery with the defendant.

**FILED**  
MAR 20 2009  
RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

1 2. Given these circumstances, the Court found that the ends of justice served by  
2 excluding the period from March 18, 2009 to March 26, 2009, outweigh the best interest of the  
3 public and the defendant in a speedy trial and filing of an indictment or information. 18 U.S.C.  
4 § 3161(h)(8)(A).

5 3. Accordingly, and with the consent of the defendant, the Court ordered that the period  
6 from March 18, 2009 to March 26, 2009, be excluded from Speedy Trial Act calculations under  
7 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

8 4. Further, the defendant consented to, and for the reasons stated above good cause was  
9 shown for, waiving the requirement that a preliminary hearing be held within the time limits set  
10 forth in Federal Rule of Criminal Procedure 5.1(c).

11  
12 IT IS SO STIPULATED.

13  
14 DATED: March 18, 2009


15 /s/  
GEOFFREY HANSEN  
Counsel for Milton Rivas-Zuniga

16  
17 DATED: March 18, 2009

18 /s/  
BRIAN C. LEWIS  
Assistant United States Attorney

19 IT IS SO ORDERED.

20  
21  
22 DATED: 3/19/09

23   
24 Edward M. Chen  
United States Magistrate Judge